

REMARKS

CLAIM AMENDMENTS

The Applicants have amended claims 1, 8, 26, 31, 38, and 56 to correct minor informalities (see "Claim Amendments", below).

SPECIFICATION AMENDMENTS

The Applicants have amended the specification at page 1, lines 4-7 to identify in the "Cross-Reference" section the serial numbers of applications related to the present application. The Applicants submit that no new matter has been added with this amendment.

CLAIM AMENDMENTS

The Applicants have inserted the word --first-- before "plurality" in lines 2 and 4 of claims 1 and 31 to provide antecedent basis for "the first plurality" in claims 8, 26, 38, and 56. Furthermore, the Applicant has amended claims 8, 21, 23, 26, 38, 51 and 56 in order to provide consistent language distinguishing between the different pluralities of comb fingers. Although the Examiner has not objected to the original form of the claims, the Applicants are making these amendments out of an abundance of caution. Support for these amendments may be found in the specification at page 15, lines 33-34 and FIG. 7.

The Applicants submit that the amendments are directed purely to the form of claims not objected to by the Examiner and, therefore, were not made for reasons related to patentability within the meaning of the decision in *Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd* (234 F.3d 558). Furthermore, the applicants submit that, since the amendments merely make explicit that which was implicit in the claims as originally filed, none of the amendments narrows any of the claims within the meaning of the decision in *Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd* (234 F.3d 558).

DOUBLE PATENTING



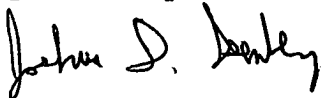
The Examiner has provisionally rejected claims 1-60 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of copending application 09/809,994, claims and claims 1-28 of copending application 09/810,326, and claims 1-9 of copending application 09/809,995. In making the rejection, the Examiner argues that although they are not identical, the claims are not patentably distinct from each other because all the elements in the claims of the present application are claimed and suggested in the claims and disclosure of the copending applications.

In response, the Assignee of the present application has filed herewith a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) along with the appropriate fee. The Examiner explicitly stated in the Office Action that such a terminal disclaimer would overcome the rejections. Therefore, the Applicants submit that the rejections are overcome.

CONCLUSION

The above amendments are directed to minor matters of form. Furthermore, the applicants believe that, in view of the accompanying terminal disclaimer, the non-statutory double patenting rejection has been overcome. The Applicants therefore respectfully request that the Examiner enter the amendments, reconsider the application and promptly issue a Notice of Allowance in the next Office Action.

Respectfully submitted,



Joshua D. Isenberg
Patent Agent, Reg. No. 41,088

Date: 1/26/2003

JDI PATENT
204 Castro Lane
Fremont, CA 94539
tel.: 510-896-8328



AMENDED CLAIMS 1, 8, 21, 23, 26, 31, 38, 51 AND 56

Version With Markings To Show Changes Made

1 1. (AMENDED) A rotating device, comprising:
 2 e) a first plurality of first comb fingers extending
 3 from a first structure;
 4 f) a first plurality of second comb fingers extending
 5 from a second structure, wherein said first comb
 6 fingers are interdigitated with said second comb
 7 fingers in an engagement
 8 g) a rotating element attached to a rotatable flexure
 9 disposed along an axis, wherein said rotating
 10 element is mechanically coupled to said first
 11 structure and hence said first comb fingers; and
 12 h) a biasing element coupled to said rotating
 13 element, for causing said first comb fingers along
 14 with said rotating element to undergo a controlled
 15 angular displacement from said engagement about
 16 said axis;
 17 wherein said first comb fingers along with said rotating
 18 element can further rotate about said axis, once
 19 displaced from said engagement.

1 8. (AMENDED) The rotating device of claim 6, wherein the
 2 position sensor includes one or more of the following:
 3 one or more gap closing electrodes,
 4 a second plurality of first comb fingers coupled to
 5 the rotating element and a second plurality of
 6 second comb fingers that interdigitate with the
 7 first comb fingers in the second plurality,
 8 a capacitance sensor coupled between the first
 9 plurality of first comb fingers and the [second]
 10 first plurality of second comb fingers
 11 a piezoresistive strain gauge,
 12 a piezoelectric sensor,
 13 an optical sensor.

1 21. (AMENDED) The rotating device of claim 20 further
 2 comprising a capacitance sensor coupled between said
 3 first plurality of second comb fingers and said first
 4 plurality of first comb fingers.

1 23. (AMENDED) The rotating device of claim 20 further
 2 comprising a capacitance sensor coupled between said
 3 first plurality of second comb fingers and said first
 4 plurality of first comb fingers.

1 26. (AMENDED) The rotating device of claim 24, wherein the
 2 position sensor includes one or more of the following:
 3 one or more gap closing electrodes,
 4 a second plurality of first comb fingers coupled to
 5 the rotating element and a second plurality of
 6 second comb fingers that interdigitate with the
 7 first comb fingers in the second plurality,
 8 a capacitance sensor coupled between the first
 9 plurality of first comb fingers and the [second]
 10 first plurality of second comb fingers
 11 a piezoresistive strain gauge,
 12 a piezoelectric sensor, or
 13 an optical sensor.

1 31. (AMENDED) A rotating device, comprising:
 2 e) a first plurality of first comb fingers extending
 3 from a first structure;
 4 f) a first plurality of second comb fingers extending
 5 from a second structure, wherein said first comb
 6 fingers are self-aligned and interdigitated with
 7 said second comb fingers in an engagement
 8 g) a rotating element attached to a rotatable flexure
 9 disposed along an axis, wherein said rotating
 10 element is mechanically coupled to said first
 11 structure and hence said first comb fingers; and

h) a biasing element coupled to said rotating element, for causing said first comb fingers along with said rotating element to undergo a controlled angular displacement from said engagement about said axis; wherein said first comb fingers along with said rotating element can further rotate about said axis, once displaced from said engagement.

38. (AMENDED) The rotating device of claim 36, wherein the position sensor includes one or more of the following:
 one or more gap closing electrodes,
 a second plurality of first comb fingers coupled to the rotating element and a second plurality of second comb fingers that interdigitate with the first comb fingers in the second plurality,
 a capacitance sensor coupled between the first plurality of first comb fingers and the **[second]** first plurality of second comb fingers
 a piezoresistive strain gauge,
 a piezoelectric sensor,
 an optical sensor.

51. (AMENDED) The rotating device of claim 50 further comprising a capacitance sensor coupled between said first plurality of second comb fingers and said first plurality of first comb fingers.

56. (AMENDED) The rotating device of claim 54, wherein the position sensor includes one or more of the following:
 one or more gap closing electrodes,
 a second plurality of first comb fingers coupled to the rotating element and a second plurality of second comb fingers that interdigitate with the first comb fingers in the second plurality,

8 a capacitance sensor coupled between the first
9 plurality of first comb fingers and the first
10 **[second]** plurality of second comb fingers
11 a piezoresistive strain gauge,
12 a piezoelectric sensor, or
13 an optical sensor.

1

